

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

HELENA AGRI-ENTERPRISES, LLC,

Plaintiff,

CASE NO. 1:18-CV-00963-RJJ-RSK

Honorable Chief Judge Robert J. Jonker

v.

GREAT LAKES GRAIN, LLC *et al.*

Defendants.

**PLAINTIFF'S MOTION TO AMEND THE
THIRD AMENDED CASE
MANAGEMENT ORDER (DOC. 109)**

Sheryl L. Toby (P39114)
Mark J. Magyar (P75090)
Dykema Gossett PLLC
Attorneys for Plaintiff
300 Ottawa Ave. N.W. Suite 700
Grand Rapids, Michigan 49503
stoby@dykema.com
mmagyar@dykema.com
(616) 776-7500

Ronald J. VanderVeen (P33067)
Cunningham Dalman, PC
Attorneys for Defendants
321 Settlers Road
Holland, MI 49423
rjvv@cunninghamdalman.com
(616) 392-1821

Robert L. Soza, Jr. (admitted pro hac vice)
Texas State Bar No. 18869300
Jackson Walker LLP
Attorneys for Plaintiff
112 E. Pecan, Suite 2400
San Antonio, Texas 78205
rsoza@jw.com
(210) 978-7700

**PLAINTIFF'S MOTION TO AMEND THE THIRD AMENDED
CASE MANAGEMENT ORDER (DOC. 109)**

Plaintiff Helena Agri-Enterprises, LLC ("Helena" or "Plaintiff") moves the Court to amend the Third Amended Case Management Order (Doc. 109) based on the discovery of new evidence supporting Plaintiff's voidable transaction claims against the Defendants and the time needed to obtain and review additional information and documents Plaintiff has already requested by

subpoena to Defendants' third-party insurance carrier. Notably, the proposed modifications do not affect the scheduled trial date or conferences. In accordance with LCivR 7.1(d), the undersigned counsel contacted Defendants' counsel requesting agreement in this motion, but agreement was denied. Plaintiff proposes the following new schedule:

Action Item	Current Date/Limitation	Proposed Date/Limitation
Disclose Name, Address, Area of Expertise and a short summary of expected testimony of Expert Witnesses (Rule 26(a)(2)(A))		
-Party with the Burden of Proof:	March 31, 2019	February 7, 2020
-Responding Party:	April 30, 2019	March 9, 2020
Completion of Discovery	January 15, 2020	April 14, 2020
Dispositive Motions	March 8, 2020	May 14, 2020
Depositions will be limited to: (Fact Witnesses Per Party)	10 per party	20 per party
ADR To Take Place on or Before	January 15, 2020	April 14, 2020

WHEREFORE, for the reasons stated in the accompanying Brief, Helena requests that this Court: (1) grant this Motion; (2) amend the Third Amended Case Management Order as requested by Plaintiff; and (3) grant such further relief as the Court deems just.

Dated: December 13, 2019

Respectfully submitted,

DYKEMA GOSSETT PLLC

By: /s/ Mark J. Maygar

Sheryl L. Toby (P39411)

Mark J. Maygar (P75090)

300 Ottawa Ave. N.W., Suite 700

Grand Rapids, MI 49503

stoby@dykema.com

mmagyar@dykema.com

PLAINTIFF'S MOTION TO AMEND THE THIRD AMENDED

CASE MANAGEMENT ORDER

24508065v.1

JACKSON WALKER LLP

By: /s/ Robert L. Soza, Jr.

Robert L. Soza, Jr. (admitted *pro hac vice*)

Texas State Bar No. 18869300

112 E. Pecan, Suite 2400

San Antonio, Texas 78205

rsoza@jw.com

ATTORNEYS FOR PLAINTIFF